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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 14-021

#### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

#### **2. Form, Style and Placement in Administrative Code**

a. The enumeration of provisions treated by the proposed rule should be re-ordered so that the renumbered sections come first, then the sections that repeal and recreate, and finally the section that creates a new subchapter. [s. 1.02 (1) (b), Manual.]

b. The department should use alphabetical order for definitions in s. PI 36.02, placing “charter school” after “best interests of the pupil.” [s. 1.01 (7), Manual.]

c. The department should not use bolded text for the subsection, paragraph, and subdivision numbering. [s. 1.03 (1), Manual.]

d. The department should use consecutive numbering for subdivisions in s. PI 36.06 (2) (a).

e. The department should correct the subunit ordering in s. PI 36.09 (2) to avoid creating a single paragraph [par. (a)]. [s. 1.03 (1), Manual.]

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. The department should review the reference to s. 118.51 (3m) (c), Stats., in s. PI 36.02 (23), as this statute does not appear to require parents to take any action.

b. The department should refer to s. 118.16 (1) (c), Stats., to avoid repetition of its definition of “truancy” in s. PI 36.02 (35). [ss. 1.01 (7) (d) and 1.08 (1), Manual.]

c. The department should refer to s. 115.001 (16), Stats., to avoid repetition of its definition of “virtual charter school” in PI 36.02 (37). [ss. 1.01 (7) (d) and 1.08 (1), Manual.]

d. The department should delete s. PI 36.07 (2) (b) to avoid repetition of s. 118.51 (3m) (b), Stats., or clarify how s. PI 36.07 (2) (b) is different from the statutory requirement.

e. The department should use the term “violent criminal offense” in the second line of s. PI 36.07 (2) (c) to match the term used in the referenced statute and rule.

f. The department should correct the statutory reference in s. PI 36.07 (3) (a) from “118.51 (3) 1m.” to “118.51 (3) (a) 1m.”.

g. The department should use the plural form “ss.” to refer to multiple statutory sections in s. PI 36.07 (3) (a) and throughout the rule.

h. The department should review the reference in s. PI 36.09 (2) (a) 4. Did the department intend to refer to s. PI 36.04 (1) (a)?

i. The department should review the reference in line 2 of s. PI 36.10 (1). Did the department intend to refer to s. PI 36.12 (1) (a)?

j. The department should review the references in s. PI 36.10 (3) (a) 2. and (b) 2. Did the department intend to refer to s. 115.78, Stats., or s. 115.78 (2), Stats.?

k. The department should clarify the reference to “this subsection” in s. PI 36.11 (1) (b) as the subsection does not appear to contain such a specification. Does the department intend to refer to s. 118.40 (8) (a), Stats.?

l. The department should update the cross-reference in s. PI 36.14 (5) (b) 3. to reflect new numbering under this rule promulgation. The intended reference is presumably to “this section”, the new s. PI 36.14. The department should review all other rules that contain references to the revised rules to identify any needed cross-reference changes. [s. 1.07 (1) (c), Manual.]

## **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. The department should correct “was either” to “either was” in s. PI 36.02 (4).

b. The department should correct the definition of “nonresident school board” in s. PI 36.02 (19), which is identical to sub. (20), “nonresident school district”.

c. The department should consider substituting “instruction defined” for “special education, as defined” in s. PI 36.02 (32).

d. The department should delete the comma before “authorized” in s. PI 36.03 (4) and consider improving clarity by rephrasing the last phrase from “authorized to or required of a parent” to “a parent is authorized to or required to take”.

e. The use of “currently attending” without a hyphen in s. PI 36.04 (4) is confusing given the use of a hyphenated, defined term “currently-attending” in the same provision.

f. The term “meets” needs clarification in s. PI 36.04 (5) (a) 1. The department should consider substituting “incorporates” or “complies with.”

g. The department should consider setting off “or for special education” with commas for clarity in s. PI 36.04 (5) (b), and changing “has not been reached for special education list” to “not for the special education list” in the second sentence of the same provision.

h. The department should consider adding “public” before “school the pupil attends” in s. PI 36.06 (2) (b) if this reflects the intended meaning.

i. The department should consider clarifying to whom the school board should provide the application under s. PI 36.06 (3) (a) by altering the grammar, i.e. “A nonresident or resident school board shall provide an application to a parent or pupil upon request”.

j. The department should consider using present tense in place of “indicated” in s. PI 36.06 (3) (c) (intro.), and adding “specified” before “in par. (b)” in the same provision.

k. The department should specify “a special education application” or “an application for special education” in the first line or the last phrase of s. PI 36.06 (4) (b).

l. The department should add a comma after “Form for Filing an Open Enrollment Appeal” and a space between “may” and “be” in the Note to s. PI 36.06 (4) (c) 2. b.

m. The department should correct the references in s. PI 36.06 (5) (d). The proposed rule refers to s. PI 36.06 (2) (e), which does not exist.

n. The department should add commas after “school hours” in s. PI 36.07 (2) (c) 1. and 2.

o. The department should change “the school attends” to “the pupil attends” in s. PI 36.07 (2) (c) 1.

p. The department should consider clarifying the records referred to as “the additional records” in s. PI 36.07 (3) (a), i.e., “records other than those described in ss. 118.51(3)(a)1m. and (8), Stats.”.

q. The department should consider clarifying s. PI 36.07 (3) (b) by substituting “no later than the date” for “by the date” and “by a date”.

r. The department should delete the excess words “pupil was” in s. PI 36.08 (3) (b) (intro.).

s. The department should add “the” before “first and last days” in s. PI 36.08 (3) (b) 2.

t. The department should add a comma after “Open Enrollment Special Education Cost Estimate and Invoice” in the Note to s. PI 36.10 (1).

u. The department should consider using active voice to clarify the entity making the presumption in line 3 of s. PI 36.10 (2) (b) 2.

- v. The department should delete the surplus words “the nonresident school board may” and “the board may” in s. PI 36.10 (3) (b) 1. and 2.
- w. The department should delete the comma after “provided” in s. PI 36.12 (2) (a).
- x. The department should delete “to” before “a school board” in s. PI 36.12 (2) (a) 2. c.